



## **Request for City Council Committee Action from the Department of Community Planning & Economic Development**

Date: May 2, 2013

To: Council Member Gary Schiff, Chair, Zoning & Planning Committee and Members of the Committee

Referral to: Zoning & Planning Committee

**Subject:** Appeal of the decision of the City Planning Commission regarding the proposed 301 Walnut project located at the property of 700 Washington Ave SE.

**Recommendation:** The following action was taken by the Planning Commission on April 8, 2013 (BZZ-5981):

**A. Conditional Use Permit:** Application by Carol Lansing with Faegre Baker Daniels LLP, on behalf of Daniel Oberpriller, CPM Development LLC, for a conditional use permit to increase the maximum building height from 4 stories, 56 feet to 6 stories, 81 feet for the property located at 700 Washington Ave SE.

**Action:** The City Planning Commission adopted the findings and **approved** the conditional use permit to allow an increase in height from 4 stories, 56 feet to 6 stories, 81 feet for the property located at 700 Washington Ave SE, subject to the following condition:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within two years of approval.

**Aye:** Gagnon, Kronzer, Luepke-Pier and Wielinski

**Absent:** Cohen and Schiff

**Recused:** Huynh

**B. Variance:** Application by Carol Lansing with Faegre Baker Daniels LLP, on behalf of Daniel Oberpriller, CPM Development LLC, for a variance to reduce the rear yard requirement adjacent to the east lot line from 15 feet to 9.3 feet to allow walls with residential windows for the property located at 700 Washington Ave SE.

**Action:** The City Planning Commission adopted the findings and **approved** the variance to reduce the rear yard requirement adjacent to the east lot line from 15 feet to 9.3 feet to allow walls with residential windows for the property located at 700 Washington Ave SE.

**Aye:** Gagnon, Kronzer, Luepke-Pier and Wielinski

**Absent:** Cohen and Schiff

**Recused:** Huynh

**Ward:** 2

Prepared by: Janelle Widmeier, Senior Planner (612-673-3156)

Approved by: Jason Wittenberg, Planning Manager

Presenters in Committee: Janelle Widmeier, Senior Planner

### **Financial Impact**

- No financial impact

### **Community Impact**

- Neighborhood Notification: The site is located in the University neighborhood. Because this is not an active neighborhood group, the adjacent neighborhood group, the Prospect Park/East River Road Improvement Association (PPERRIA), was notified of the application.
- City Goals: See staff report
- Comprehensive Plan: See staff report
- Zoning Code: See staff report
- End of 60/120-day decision period: On March 26, 2013, staff sent a letter to the applicant extending the 60-day decision period to no later than July 10, 2013.

### **Supporting Information**

Juno Investment Corporation has filed an appeal of the decision of the City Planning Commission to approve the conditional use permit to increase maximum height and a variance to reduce the rear yard requirement for a 6-story mixed use building with 98 dwelling units and ground floor commercial uses located at the property of 700 Washington Avenue Southeast. At its meeting of April 8, 2013, the City Planning Commission also approved other variances and a site plan review and recommended that the City Council approve a rezoning of the subject property. These applications are not being appealed. The appeal (attached) was filed on April 17, 2013.

The appellant owns the adjacent property at 718 Washington Avenue Southeast, a 3-story building. Part of the reason for the appeal is a concern that the differences in height between the two buildings will cause drifting and accumulation of snow on the 3-story building. As noted in the appeal, snow loads are regulated by the Building Code. The applicable regulations have been included with the attached appeal materials. The obligation under the Building Code, per ASCE section 7.12, is to evaluate and give notice of the potential for increased snow loads on adjacent properties. This notice must be provided and compliance with all other building code requirements must be demonstrated before building permits can be issued. Further, zoning regulations are not allowed to exceed the State's building code requirements.